IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

Bail Appl..No. 6131 of 2006

CRIME NO.51/2006 OF OLLUR POLICE STATION

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PETITIONER/1ST ACCUSED:

JOJU, KOPPADAN HOUSE,
CHIYYARAM, THRISSUR.

BY ADV. SRI.M.B.PRAJITH

RESPONDENTS: COMPLAINANT:

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1. THE STATION HOUSE OFFICER,
OLLUR POLICE STATION, (CR.NO.51/2006)
OLLUR, THRISSUR.

2. STATE REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6131/2006

DATED THIS THE 3RD DAY OF NOVEMBER, 2006

O R D E R

The petitioner is the first accused in crime No.51/2006 of Ollur Police Station, for the offence punishable under Sections 143, 147, 148, 120B and 302 IPC read with Section 149 IPC.

2. It is alleged that the petitioner and other accused, because of the previous enimity, had entered into a conspiracy to murder one Davis, nicknamed as 'Ellodian Davis' and in furtherance of their common object of committing such murder, on 27.1.2006, committed rioting with dangerous weapons and murdered the said Davis. The petitioner is the brother of Chapli Biju, who was alleged to have been murdered by Davis and his group.

3. The prosecution submits that there are two gunda groups in the locality, one lead by the deceased Davis and another, by the deceased Chapli Biju. The

tension in the locality is still prevalent and the release of the petitioner would lead to further series of repercussions. Therefore, opposed granting an order, under Section 439 Cr.P.C.

4. The learned counsel for the petitioner, the first accused, submits that the petitioner was not present at the time of occurrence and he is not at all involved in the offence. He had been deliberately arrayed by the police, as he is the brother of the deceased Chapli Biju. It is also further submitted that the investigation is complete and he remains in judicial custody from 19.8.2006.

5. After going through the entire facts on record, I grant bail and release the petitioner from jail, subject to the following conditions:-

> (a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the competent Court of law.

(b). Immediately on release, the petitioner shall report before the Investigating Officer of Ollur Police Station, and from there, he shall go out of the Sessions Division of Thrissur.

(c). The petitioner shall not enter the Sessions Division of Thrissur, for a period of six months from the date of release, except for reporting to the Court(s) below.

(d). The petitioner shall report to the S.H.O of Ollur Police Station, his place of residence as well as the name of the police station, within which limit he would reside during the above period of six months. He shall report to the S.H.O of that police station once in a week as would be fixed by the S.H.O. of that police station, and the said S.H.O shall communicate, regarding the details as well as the conduct of the petitioner, within his police station limit.

(e). On completion of the above period of six months, the petitioner shall return to his place of residence and shall report to the Investigating Officer of Ollur Police Station, on the first working day of every month between 10.00 a.m and 11.00 a.m, till the completion of the trial and final disposal of the Sessions Case, by the Sessions Court.

(f). The petitioner shall not leave the State of Kerala, until the final disposal of the Sessions Case, by the Court below.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs